

EXHIBIT 1

Benjamin J. Lovett, Ph.D.
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Work Address:

School Psychology Program
Box 120
Teachers College, Columbia University
525 W. 120th Street
New York, NY 10027
212-678-8346 (office)

Current Appointments:

- Associate Professor of Psychology and Education (with tenure)
Teachers College, Columbia University
- Director of Clinical Training (DCT), Ph.D. Program in School Psychology
- Research Scientist, TC Education for Persistence and Innovation Center (EPIC)
- Dissertation Sponsor, Columbia University Graduate School of Arts and Sciences

Licensure:

Psychologist (New York State) – License #020865

Education:

Ph.D. in School Psychology, 2007
Syracuse University, Syracuse, NY
(APA-Accredited Program)

M.S. in Psychology, 2005
Syracuse University, Syracuse, NY

B.A. in Psychology, 2002, *summa cum laude*, with honors in psychology
Minor in Educational Policy Studies
Pennsylvania State University, University Park, PA
Induction into Phi Beta Kappa, May 2002

Previous Academic and Clinical Appointments (selected):

August 2014 – August 2019

Associate Professor of Psychology, State University of New York at Cortland
(Assistant Professor of Psychology from August 2014 to August 2016)

August 2010 – August 2019

Adjunct Professor of Psychology, Syracuse University

July 2007 – June 2014

Associate Professor of Psychology, Elmira College, Elmira, NY
(Assistant Professor of Psychology from July 2007 to June 2013)

August 2006 – June 2007

School Psychology Intern, Jamesville-DeWitt Schools
Psychological Evaluator, Elmcrest Children's Center

September 2005 – June 2006

Psychology Extern, Jamesville-Dewitt Middle School

September 2003 – December 2005

Senior Research Analyst, Dept. of Psychiatry, SUNY Upstate Medical University
(ADHD Clinic Coordinator, from 2003 to 2004)

Summers 2000 - 2003

Instructional Staff, Center for Talented Youth, Johns Hopkins University
(Instructor for 2003; Teaching Assistant from 2000 to 2002)

Publications – total $N = 107$, and as of 9/6/22, an h index of 32 (4002 total citations)

Publications: Books ($n = 3$)

1. **Lovett, B. J.** (in press). *Practical psychometrics: A guide for test users*. Guilford Press.
2. Hothersall, D., & **Lovett, B. J.** (2022). *History of psychology*. (5th ed.). Cambridge University Press.
3. **Lovett, B. J.**, & Lewandowski, L. J. (2015). *Testing accommodations for students with disabilities: Research-based practice*. American Psychological Association Press.

Publications: Peer-Reviewed Journal Articles ($n = 72$)

4. **Lovett, B. J.** (in press). Objectivity or advocacy? The ethics of the scout mindset in psychoeducational assessment. *Psychological Injury and Law*.
5. Witmer, S. E., **Lovett, B. J.**, & Buzick, H. (in press). Extended time accommodations on the 2017 National Assessment of Educational Progress (NAEP) Grade 8 mathematics test: Eligibility, use, and benefit. *Journal of Psychoeducational Assessment*.
6. **Lovett, B. J.**, Spenceley, L. M., & Lewandowski, L. J. (2022). Response validity in psychoeducational assessment: A primer for school psychologists. *Contemporary School Psychology*, 26, 279-289.
7. **Lovett, B. J.**, Spenceley, L. M., Schaberg, T. M., & Best, H. (in press). Response validity in psychoeducational evaluations: Results from a national survey of school psychologists. *Psychology in the Schools*.
8. Potts, H. E., Lewandowski, L. J., & **Lovett, B. J.** (in press). Identifying feigned ADHD

in college students: Comparing the Multidimensional ADHD Rating Scale to established validity measures. *Journal of Attention Disorders*.

9. **Lovett, B. J.**, Harrison, A. G., & Armstrong, I. T. (2022). Processing speed and timed academic skills in children with learning problems. *Applied Neuropsychology: Child*, 11(3), 320-327.
10. Spenceley, L. M., Wood, W. L. M., & **Lovett, B. J.** (2022). Using the Woodcock-Johnson IV Tests of Cognitive Abilities to detect feigned ADHD. *Applied Neuropsychology: Adult*, 29(3), 324-332.
11. **Lovett, B. J.** (2021). Educational accommodations for students with disabilities: Two equity-related concerns. *Frontiers in Education*, 6, 795266.
<https://www.frontiersin.org/articles/10.3389/feduc.2021.795266/full>
12. **Lovett, B. J.**, Ferrier, D. E., Wang, X., & Jordan, A. H. (2021). ASRS screener ratings in college students: Concurrent validity and test-retest reliability. *Journal of Psychoeducational Assessment*, 39(8), 1015-1019.
13. **Lovett, B. J.**, & Harrison, A. G. (2021). Assessing adult ADHD: New research and perspectives. *Journal of Clinical and Experimental Neuropsychology*, 43, 333-339.
14. Wai, J., & **Lovett, B. J.** (2021). Improving gifted talent development can help solve multiple consequential real-world problems. *Journal of Intelligence*, 9, article 31.
15. Potts, H. E., Lewandowski, L. J., & **Lovett, B. J.** (2021). The Multidimensional ADHD rating scale: A measure of symptoms, impairment, and symptom validity. *Journal of Clinical and Experimental Neuropsychology*, 43, 426-436.
16. **Lovett, B. J.**, & Lindstrom, W. (2021). The AHEAD Documentation Guidance at 10 Years: Continuing Concerns. *Learning Disabilities: A Multidisciplinary Journal*, 26(2), 22-33.
17. **Lovett, B. J.**, & Harrison, A. G. (2021). De-implementing inappropriate accommodations practices. *Canadian Journal of School Psychology*, 36, 115-126.
18. **Lovett, B. J.**, Wood, W. L. M., & Lewandowski, L. J. (2021). Differential diagnosis of sluggish cognitive tempo symptoms in college students. *Journal of Attention Disorders*, 25, 1251-1259.
19. Harrison, A. G., **Lovett, B. J.**, Keiser, S., & Armstrong, I. (2021). Learning disability documentation submitted by osteopathic medical students. *Applied Neuropsychology: Adult*, 28, 245-256.
20. **Lovett, B. J.**, & Nelson, J. M. (2021). Systematic review: Educational accommodations for children and adolescents with ADHD. *Journal of the American Academy of Child and*

Adolescent Psychiatry, 60, 448-457.

21. Wood, W. L. M., Lewandowski, L. J., & **Lovett, B. J.** (2021). Profiles of diagnosed and undiagnosed college students meeting ADHD symptom criteria. *Journal of Attention Disorders*, 25, 646-656.
22. Wood, W. L. M., Lewandowski, L. J., **Lovett, B. J.**, & Antshel, K. M. (2020). Sluggish cognitive tempo and impairment: The role of lifestyle factors. *Psychology in the Schools*, 57, 1171-1188.
23. **Lovett, B. J.** (2020). Disability identification and educational accommodations: Lessons from the 2019 admissions scandal. *Educational Researcher*, 49, 125-129.
24. **Lovett, B. J.**, & Bizub, A. L. (2019). Pinpointing disability accommodation needs: Which evidence is most relevant? *Psychological Injury and Law*, 12, 42-51.
25. **Lovett, B. J.**, & Jordan, A. H. (2019). Are ADHD screeners safe to use? *Journal of Attention Disorders*, 23, 1210-1216.
26. **Lovett, B. J.**, Lewandowski, L. J., & Carter, L. (2019). Separate room testing accommodations for students with and without ADHD. *Journal of Psychoeducational Assessment*, 37(7), 852-862.
27. Nelson, J. M., & **Lovett, B. J.** (2019). Assessing ADHD in college students: Integrating multiple evidence sources with symptom and performance validity data. *Psychological Assessment*, 31, 793-804.
28. **Lovett, B. J.**, & Nelson, J. M. (2018). Assessing adults for ADHD: A systematic, evidence-based protocol. *Journal of Health Service Psychology*, 44, 48-52.
29. **Lovett, B. J.** (2017). For balance in the historiography of psychology. *History of Psychology*, 20, 218-224.
30. **Lovett, B. J.**, & Davis, K. M. (2017). Adult ADHD assessment: An integrated clinical-forensic perspective. *Professional Psychology: Research & Practice*, 48, 438-444.
31. **Lovett, B. J.**, & Nelson, J. M. (2017). Test anxiety and the Americans with Disabilities Act. *Journal of Disability Policy Studies*, 28, 99-108.
32. **Lovett, B. J.**, Lewandowski, L. J., & Potts, H. E. (2017). Test-taking speed: Predictors and implications. *Journal of Psychoeducational Assessment*, 35, 351-360.
33. Wood, W. L. M., Lewandowski, L. J., **Lovett, B. J.**, & Antshel, K. M. (2017). Executive dysfunction and functional impairment associated with sluggish cognitive tempo in college students. *Journal of Attention Disorders*, 21, 691-700.

34. Wood, W. L. M., Potts, H. E., Lewandowski, L., & **Lovett, B. J.** (2017). Sluggish cognitive tempo and speed of performance. *Journal of Attention Disorders*, 21, 684-690.
35. Lewandowski, L. J., Berger, C., **Lovett, B. J.**, & Gordon, M. (2016). Test-taking skills of high school students with and without learning disabilities. *Journal of Psychoeducational Assessment*, 34, 566-576.
36. **Lovett, B. J.**, & Leja, A. M. (2015). ADHD symptoms and benefit from extended time testing accommodations. *Journal of Attention Disorders*, 19, 167-172.
37. **Lovett, B. J.**, Nelson, J. M., & Lindstrom, W. (2015). Documenting hidden disabilities in higher education: Analysis of recent guidance from the Association on Higher Education and Disability (AHEAD). *Journal of Disability Policy Studies*, 26, 44-53.
38. Lewandowski, L. J., Lambert, T. L., **Lovett, B. J.**, Panahon, C., & Sytsma, M. (2014). College students' preferences for test accommodations. *Canadian Journal of School Psychology*, 29, 116-126.
39. **Lovett, B. J.** (2014). Testing accommodations under the amended ADA: The voice of empirical research. *Journal of Disability Policy Studies*, 25, 81-90.
40. Sparks, R. S., & **Lovett, B. J.** (2014). Learning disability documentation in higher education: What are students submitting? *Learning Disability Quarterly*, 37, 54-62.
41. Harrison, A. G., **Lovett, B. J.**, & Gordon, M. (2013). Documenting disabilities in postsecondary settings: Diagnosticians' understanding of legal regulations and diagnostic standards. *Canadian Journal of School Psychology*, 28, 303-322.
42. Lewandowski, L. J., Cohen, J., & **Lovett, B. J.** (2013). Effects of extended time allotments on reading comprehension performance of college students with and without learning disabilities. *Journal of Psychoeducational Assessment*, 31, 326-336.
43. Lewandowski, L. J., Gathje, R. A., **Lovett, B. J.**, & Gordon, M. (2013). Test-taking skills in college students with and without ADHD. *Journal of Psychoeducational Assessment*, 31, 41-52.
44. **Lovett, B. J.** (2013). The science and politics of gifted students with learning disabilities: A social inequality perspective. *Roeper Review*, 35, 136-143.
45. **Lovett, B. J.**, & Leja, A. (2013). Students' perceptions of testing accommodations: What we know, what we need to know, and why it matters. *Journal of Applied School Psychology*, 29, 72-89.
46. **Lovett, B. J.**, & Sparks, R. S. (2013). The identification and performance of gifted students with learning disabilities: A quantitative synthesis. *Journal of Learning Disabilities*, 46, 304-316.

47. Sparks, R. S., & **Lovett, B. J.** (2013). Applying objective diagnostic criteria to students in a college support program for learning disabilities. *Learning Disability Quarterly*, 36, 231-241.
48. Jordan, A. H., **Lovett, B. J.**, & Sweeton, J. L. (2012). The social psychology of interracial interactions: Implications for culturally competent practice. *Journal of Multicultural Counseling and Development*, 40, 132-143.
49. **Lovett, B. J.**, Jordan, A. H., & Wiltermuth, S. (2012). Individual differences in the moralization of everyday life. *Ethics and Behavior*, 22, 248-257.
50. Jordan, A. H., Monin, B., Dweck, C. S., **Lovett, B. J.**, John, O. P., & Gross, J. J. (2011). Misery has more company than people think: Underestimating the prevalence of others' negative emotions. *Personality and Social Psychology Bulletin*, 37, 120-135.
51. **Lovett, B. J.** (2011). Auditory processing disorder: School psychologist beware? *Psychology in the Schools*, 48, 855-867.
52. **Lovett, B. J.** (2011). On the diagnosis of learning disabilities in gifted students. *Gifted Child Quarterly*, 55, 149-151.
53. **Lovett, B. J.**, & Hood, S. B. (2011). Realism and operationism in psychiatric diagnosis. *Philosophical Psychology*, 24, 207-222.
54. **Lovett, B. J.**, & Johnson, T. L. (2011). The impact of presentation level on SCAN-A test performance. *Contemporary Issues in Communication Sciences and Disorders*, 38, 135-139.
55. Hood, S. B., & **Lovett, B. J.** (2010). Network models of psychopathology and comorbidity: Philosophical and practical considerations. *Behavioral and Brain Sciences*, 33, 159-160.
56. **Lovett, B. J.** (2010). Extended time testing accommodations for students with disabilities: Answers to five fundamental questions. *Review of Educational Research*, 80, 611-638.
57. **Lovett, B. J.**, & Jordan, A. H. (2010). Levels of moralization: An alternative conception of moral sensitivity. *Journal of Moral Education*, 39, 175-189.
58. **Lovett, B. J.**, Lewandowski, L. J., Berger, C. A., & Gathje, R. A. (2010). Effects of response mode and time allotment on college students' writing. *Journal of College Reading and Learning*, 40(2), 64-79.
59. **Lovett, B. J.**, & Sparks, R. S. (2010). Exploring the diagnosis of "Gifted/LD": Characterizing postsecondary students with learning disability diagnoses at different IQ

- levels. *Journal of Psychoeducational Assessment*, 28, 91-101.
60. **Lovett, B. J.**, & Eckert, T. L. (2009). Reinforcement sensitivity and responsiveness to performance feedback: A preliminary investigation. *Journal of Applied School Psychology*, 25, 204-219.
61. Sparks, R. S., & **Lovett, B. J.** (2009). Objective criteria for classification of postsecondary students as learning disabled: Effects on prevalence rates and group characteristics. *Journal of Learning Disabilities*, 42, 230-239.
62. Sparks, R. S., & **Lovett, B. J.** (2009). College students with learning disability diagnoses: Who are they, and how do they perform? *Journal of Learning Disabilities*, 42, 494-510.
63. DiGennaro-Reed, F. D., & **Lovett, B. J.** (2008). Views on the efficacy and ethics of punishment: Results from a national survey. *International Journal of Behavioral Consultation and Therapy*, 4(1), 61-67.
64. Lewandowski, L. J., **Lovett, B. J.**, Coddling, R. S., & Gordon, M. (2008). Symptoms of ADHD and academic concerns in college students with and without ADHD diagnoses. *Journal of Attention Disorders*, 12, 156-161.
65. Lewandowski, L. J., **Lovett, B. J.**, & Rogers, C. L. (2008). Extended time as a testing accommodation for students with reading disabilities: Does a rising tide lift all ships? *Journal of Psychoeducational Assessment*, 26, 315-324.
66. Mogle, J. A., **Lovett, B. J.**, Stawski, R. S., & Sliwinski, M. J. (2008). What's so special about working memory? An examination of the relationships between working memory, secondary memory, and fluid intelligence. *Psychological Science*, 19, 1071-1077.
67. Jordan, A. H., & **Lovett, B. J.** (2007). Stereotype threat and test performance: A primer for school psychologists. *Journal of School Psychology*, 45, 45-59.
68. Lewandowski, L. J., **Lovett, B. J.**, Parolin, R. A., Gordon, M., & Coddling, R. S. (2007). Extended time accommodations and the mathematics performance of students with and without ADHD. *Journal of Psychoeducational Assessment*, 25, 17-28.
69. **Lovett, B. J.**, Eckert, T. L., Talge, N. M., & Akin-Little, K. A. (2007). Attachment intervention programs: Implications for school psychologists. *Journal of Early Child and Infant Psychology*, 3, 25-43.
70. **Lovett, B. J.**, & Sheffield, R. (2007). Affective empathy deficits in aggressive children and adolescents: A critical review. *Clinical Psychology Review*, 27, 1-13.
71. **Lovett, B. J.** (2006). The new history of psychology: A review and critique. *History of Psychology*, 9, 17-37.

72. **Lovett, B. J.,** & Lewandowski, L. J. (2006). Gifted students with learning disabilities: Who are they? *Journal of Learning Disabilities*, 36, 515-527.
73. **Lovett, B. J.** (2005). A defense of prudential moralism. *Journal of Applied Philosophy*, 22, 159-168.
74. **Lovett, B. J.,** & Jordan, A. H. (2005). Moral values, moralism, and the 2004 presidential election. *Analyses of Social Issues and Public Policy*, 5, 165-175.
75. Akin-Little, K. A., Eckert, T. L., **Lovett, B. J.,** & Little, S. G. (2004). Extrinsic reinforcement in the classroom: Bribery or best practice? *School Psychology Review*, 33, 343-361.

Publications: Contributions to Edited Books (n = 18)

76. **Lovett, B. J.** (2020). Extended time testing accommodations for students with disabilities: Impact on score meaning and construct representation. In M. J. Margolis & R. A. Feinberg (Eds.), *Integrating timing considerations to improve testing practices* (pp. 47-58). New York: Routledge.
77. **Lovett, B. J.,** & Nelson, J. M. (2020). Assessment in educational settings. In J. A. Suhr & M. Sellbom (Eds.), *Cambridge Handbook of Clinical Assessment and Diagnosis* (pp. 485-497). New York: Cambridge University Press.
78. **Lovett, B. J.,** & Kilpatrick, D. A. (2018). Differential diagnosis of SLD [Specific Learning Disability] versus other difficulties. In D. P. Flanagan & V. C. Alfonso (Eds.), *Essentials of specific learning disability assessment* (2nd ed., pp. 549-571). Hoboken, NJ: Wiley.
79. Lewandowski, L. J., **Lovett, B. J.,** & Gordon, M. (2016). Measurement of symptom severity and impairment. In S. Goldstein & J. A. Naglieri (Eds.), *Assessing impairment: From theory to practice* (2nd ed., pp. 229-245). New York: Springer.
80. **Lovett, B. J.,** Gordon, M., & Lewandowski, L. J. (2016). Legal conceptions of impairment: Implications for the assessment of psychiatric disabilities. In S. Goldstein & J. A. Naglieri (Eds.), *Assessing impairment: From theory to practice* (2nd ed., pp. 125-139). New York: Springer.
81. **Lovett, B. J.,** & Spenceley, L. A. (2016). Use of the Woodcock-Johnson IV in the diagnosis of specific learning disabilities in adulthood. In D. P. Flanagan & V. C. Alfonso (Eds.), *WJ-IV clinical use and interpretation: Scientist-practitioner perspectives* (pp. 253-270). Cambridge, MA: Academic Press.
82. Gordon, M., Lewandowski, L. J., & **Lovett, B. J.** (2015). Assessment and management of ADHD in educational and workplace settings in the context of ADA accommodations. In R. A. Barkley (Ed.), *Attention-Deficit Hyperactivity Disorder: A handbook for*

diagnosis and treatment (4th ed., pp. 774-794). New York: Guilford.

83. Lewandowski, L. J., & **Lovett, B. J.** (2014). Learning disabilities. In E. J. Mash & R. A. Barkley (Eds.), *Child psychopathology* (3rd ed., pp. 625-669). New York: Guilford.
84. **Lovett, B. J.**, & Hood, S. B. (2014). Comorbidity in child psychiatric diagnosis: Conceptual complications. In C. Perring & L. Wells (Eds.), *Diagnostic dilemmas in child and adolescent psychiatry* (pp. 80-97). New York: Oxford University Press.
85. Eckert, T. L., & **Lovett, B. J.** (2013). Principles of behavioral assessment. In D. H. Saklofske, C. R. Reynolds, & V. L. Schwane (Eds.), *Oxford Handbook of Child Psychological Assessment* (pp. 366-384). New York: Oxford University Press.
86. Ferrier, D. E., **Lovett, B. J.**, & Jordan, A. H. (2011). Construct-irrelevant variance in achievement test scores: A social cognitive perspective. In L. E. Madsen (Ed.), *Achievement tests: Types, interpretations, and uses* (pp. 89-108). Hauppauge, NY: Nova Science.
87. Lewandowski, L. J., **Lovett, B. J.**, & Gordon, M. (2009). Measurement of symptom severity and impairment. In S. Goldstein & J. Naglieri (Eds.), *Assessment of impairment: From theory to practice* (pp. 5-14). New York: Springer.
88. **Lovett, B. J.** (2009). The science of cheating: A psychologist's perspective. In T. Twomey, H. White, & K. Sagendorf (Eds.), *Pedagogy, not policing: Positive approaches to academic integrity at the university* (pp. 43-48). Syracuse, NY: Syracuse University Press.
89. **Lovett, B. J.**, Gordon, M., & Lewandowski, L. J. (2009). Measuring impairment in disability evaluations: Legal and ethical issues. In S. Goldstein & J. Naglieri (Eds.), *Assessment of impairment: From theory to practice* (93-103). New York: Springer.
90. Jordan, A. H., & **Lovett, B. J.** (2008). Self-theories of intelligence: Implications for school psychology. In D. H. Molina (Ed.), *School psychology: 21st century issues and challenges* (pp. 345-355). Hauppauge, NY: Nova Science.
91. Lewandowski, L. J., & **Lovett, B. J.** (2008). Introduction to neuropathology and brain-behavior relationships. In L. C. Hartlage & R. C. D'Amato (Eds.), *Essentials of neuropsychological assessment: Treatment planning for rehabilitation*. (2nd ed., pp. 31-55).
92. Eckert, T. L., **Lovett, B. J.**, Rosenthal, B. D., Jiao, J., Ricci, L. J., & Truckenmiller, A. J. (2006). Class-wide instructional feedback: Improving children's academic skill development. In S. V. Randall (Ed.), *Learning disabilities: New research* (pp. 167-185). Hauppauge, NY: Nova Science Publishers.
93. Gordon, M., Barkley, R. A., & **Lovett, B. J.** (2006). Tests and observational measures. In

R. A. Barkley (Ed.), *Attention-Deficit Hyperactivity Disorder: A handbook for diagnosis and treatment*. (3rd ed., pp. 369-388). New York: Guilford.

Publications: Articles in Newsletters & Magazines; Related Pieces (n = 14)

94. Szczesniak, L. A., & **Lovett, B. J.** (2022). Addressing test anxiety in the COVID-19 pandemic and beyond. *NASP Communiqué*, 50(6), 29-31.
95. **Lovett, B. J.** (2021). Accommodations on college admissions tests and in postsecondary settings. *New York School Psychologist*, 40(1), 39-40.
96. **Lovett, B. J.**, & Lewandowski, L. J. (2020). Private room testing accommodations for students with ADHD. *ADHD Report*, 28(8), 1-5.
97. **Lovett, B. J.**, & Harrison, A. G. (2019). Forensic thinking in disability assessment: An introduction to a special issue. *Psychological Injury and Law*, 12, 1-6.
98. Spenceley, L. M., **Lovett, B. J.**, & Lewandowski, L. J. (2017). Assessing response validity: For SAT accommodation requests and beyond? *New York School Psychologist*, 35, 41-43.
99. Lewandowski, L. J., Wood, W. L. M., & **Lovett, B. J.** (2016). Sluggish cognitive tempo in college students: Now you see it, now you don't. *ADHD Report*, 24(1), 1-5.
100. Nelson, J. M., **Lovett, B. J.**, & Lindstrom, W. (2015). Assessing, documenting, and accommodating ADHD in college students. *ADHD Report*, 23(6), 7-11.
101. Lewandowski, L. J., & **Lovett, B. J.** (2014). The new *Diagnostic and Statistical Manual of Mental Disorders, DSM-5*: Implications for accommodations requests. *Bar Examiner*, 83(1), 42-54.
102. **Lovett, B. J.** (2013). Who needs more time (on tests)? *Better: Evidence-Based Education*, 5(3), 14-15.
103. **Lovett, B. J.** (2011). The divorce of behavior analysis and psychology: Think of the children! *(APA) Division 25 Recorder*, 39(1), 4-6.
104. **Lovett, B. J.** (2011). Extended time testing accommodations: What does the research say? *NASP Communiqué*, 39(8), 1, 14-15.
105. **Lovett, B. J.**, Lewandowski, L. J., & Miller, L. (2010). Auditory processing disorder and ADHD: What's the relationship? *ADHD Report*, 18(3), 7-11.
106. Lewandowski, L. J., **Lovett, B. J.**, Gordon, M., & Antshel, K. M. (2006). The case for clinical impairment in the DSM-V criteria for ADHD. *ADHD Report*, 14(6), 8-16.

107. **Lovett, B. J., & Gordon, M. (2005).** Test score discrepancies as a basis for the assessment of learning disabilities and ADHD. *ADHD Report*, 13(3), 1-4.

Book, Film, and Test Reviews (selected):

- Lovett, B. J. (2022).** Review of the book *The quick fix: Why fad psychology can't cure our social ills*. *American Journal of Psychology*, 135(1), 128-131.
- Lovett, B. J. (2019).** Review of the book *Learning disabilities: From identification to intervention*. *NASP Communiqué*, 47(7), 38.
- Lovett, B. J. (2017).** Review of the book *Psychological and psychoeducational assessment of deaf and hard of hearing children*. *Journal of Psychoeducational Assessment*, 35, 807-810.
- Lovett, B. J. (2013, January).** Review of the film *The D Word*. *The School Psychologist*, 67(1), 81-83.
- Lovett, B. J. (2011, August 9).** Review of the book *The Science of ADHD*. *Metapsychology Online Reviews*, 15(32).
- Lovett, B. J., & Johnson, T. L. (2010).** Review of the test *SCAN-3*. *Journal of Psychoeducational Assessment*, 28, 603-607.
- Lovett, B. J. (2010, April 13).** Review of the book *Treating ADHD and comorbid disorders*. *Metapsychology Online Reviews*, 14(15).
- Lovett, B. J. (2007, March 27).** Review of the book *The Last normal child: Essays on the intersection of kids, culture, and psychiatric drugs*. *Metapsychology Online Reviews*, 11(13).
- Lovett, B. J. (2005).** Review of the book *Assessment for intervention*. *NASP Communiqué*, 34(4), 13

Invited Talks (selected):

- Lovett, B. J. (2022, November).** “Testing Accommodations: Enhancing Validity and Equity.” Invited talk scheduled to the National Board of Medical Examiners, Philadelphia, PA.
- Lovett, B. J. (2022, January).** “Assessment for All Students: Design, Adjustment, and Preparation.” Invited talk to the Opening All Doors Program, Detroit, MI.
- Lovett, B. J. (2021, May).** “Test anxiety and testing accommodations.” Invited talk to the School Psychology Internship Program, New York City Department of Education.

- Lovett, B. J.** (2020, June). "Accommodations on the Bar Exam: Research-Based Decision Making." Invited talk to the California State Bar Association.
- Lovett, B. J.** (2020, January). "Diagnostic Evaluations 101: Interpreting Reports from Outside Evaluators." Invited talk given at the Chapin School, New York, NY.
- Lovett, B. J.** (2019, April). "Anxiety and Discomfort during Testing: A Cause for Accommodations?" Invited talk given at the Educational Testing Service, Princeton, NJ.
- Lovett, B. J.** (2018, May). "Testing Accommodations: From Research to Practice." Invited talk given at the Winsor School, Boston, MA.
- Lovett, B. J.** (2017, December). "Test Anxiety and the ADA." Invited talk given at the National Board of Medical Examiners, Philadelphia, PA.
- Lovett, B. J.** (2017, October). "Speededness: What is it Good For?" Invited talk given at the Time Limits and Testing Conference, Philadelphia, PA.
- Lovett, B. J.** (2017, April). "Testing Accommodations for Students with Disabilities: Myth, Reality, and Practice." Invited talk given to the New Jersey Principals and Supervisors Association, Monroe, NJ.
- Lovett, B. J.** (2017, March). "Test Anxiety: Assessment, Documentation, Accommodations?" Invited talk given at the High-Incidence Disabilities in Higher Education conference, Toronto, ON.
- Lovett, B. J.** (2016, October). "Psychoeducational Assessment: An Integrated Clinical-Forensic Perspective." Invited talk given at the Southern Ontario Regional Assessment and Resource Centre, Kingston, ON.
- Lovett, B. J.** (2016, May). "Testing Accommodations: From Research to Practice." Invited talk given at Academics West, New York, NY.
- Lovett, B. J.** (2016, May). "The Science and Ethics of Testing Accommodations." Invited talk given at the Masters School, Dobbs Ferry, NY.
- Lovett, B. J.** (2016, March). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk, given with L. J. Lewandowski, at the Fayetteville-Manlius Central School District, Fayetteville, NY.
- Lovett, B. J.** (2016, March). "Developments in Testing Accommodations Research: A Year in Review." Invited talk given at the Association of American Medical Colleges, Washington, DC.
- Lovett, B. J.** (2015, November). "Putting the History of Psychology into Introductory Psychology." Invited talk given to Syracuse University Project Advance, New York, NY.

Lovett, B. J. (2015, October). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk, given with L. J. Lewandowski, at the convention of the New York Association of School Psychologists, Verona, NY.

Lovett, B. J. (2015, October). "Testing Accommodations for People with Disabilities: Research-Based Practice." Clinician's Corner Webinar, given at the headquarters of the American Psychological Association, Washington, DC.

Lovett, B. J. (2015, August). "Testing Accommodations for People with Disabilities: Research-Based Practice." Continuing Education Workshop, with L. J. Lewandowski, given at the convention of the American Psychological Association, Toronto, ON.

Lovett, B. J. (2015, March). "Testing Accommodations for Students with High-Incidence Disabilities: Research Informing Practice." Invited talk given to the Department of Counseling and Educational Psychology, University at Albany, SUNY, Albany, NY.

Lovett, B. J. (2015, March). "Extended Time Requests on the MCAT: The Need for Rigorous Review." Invited talk given at the American Association of Medical Colleges, Washington, DC.

Lovett, B. J. (2014, August). "Testing Accommodations for Students with Disabilities: Research-Based Practice" Continuing Education Workshop, with L. J. Lewandowski, given at the convention of the American Psychological Association, Washington, DC.

Lovett, B. J. (2013, November). "Should Medical Licensure Exams Be Timed?" Invited talk given at the National Board of Medical Examiners, Philadelphia, PA.

Lovett, B. J. (2013, November). "The Advantages and Disadvantages of Timed Tests." Invited talk given at the Research Advisory Forum of the National Board of Osteopathic Medical Examiners, Conshohocken, PA.

Lovett, B. J. (2013, May). "Auditory Processing Disorders: From Research to Practice: The View from School Psychology." Invited talk given to the National Centre for Audiology, London, Ontario.

Lovett, B. J. (2013, April). "Learning Disabilities and the Use of Expert Consultants." Invited talk given (with Dr. Lawrence Lewandowski) to the National Conference of Bar Examiners, Boston, MA.

Lovett, B. J. (2012, October). "The Science of Testing Accommodations for Students with Disabilities." Invited talk given to the Psychology Department at Suffolk University, Boston, MA.

Lovett, B. J. (2012, August). "Testing Accommodations: From Research to Practice." Invited talk to be given at the meeting of the College Board's Office of Services for Students

with Disabilities, Seattle, WA.

Lovett, B. J. (2012, May). "Classroom Management: A Behavioral Perspective." Invited talk to student-teachers currently in school-based practica at Elmira College, Elmira, NY.

Lovett, B. J. (2012, May). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk at the conference High-Incidence Disabilities in Higher Education: Current Issues and Best Practices, Toronto, ON.

Lovett, B. J. (2012, March). "The Psychology of Accomplishment." Invited talk given to the Elmira College Chapter of Phi Beta Kappa, Elmira, NY.

Lovett, B. J., & Sparks, R. S. (2011, December). "Gifted Students with Learning Disabilities: Implications for Testing Accommodations." Invited talk given to the National Board of Medical Examiners, Philadelphia, PA.

Lovett, B. J. (2011, April). "The Science and Ethics of Accommodating Employees with Psychiatric Disabilities." Invited talk given at the Tuck School of Business, Dartmouth College, Hanover, NH.

Lovett, B. J. (2010, October). "Diagnosing Learning Disabilities in Postsecondary Students." Invited talk given to the Southern Ontario Regional Assessment and Resource Centre, Huntsville, Ontario.

Lovett, B. J., & Sparks, R. S. (2009, November). "Gifted Students with Learning Disabilities: Current Concepts and Controversies." Invited talk at the Test Agencies Disability Forum, Educational Testing Service, Princeton, NJ.

Lovett, B. J., & Johnson T. L. (2009, October). "Auditory Processing Disorder: An Applied Primer for School Psychologists." Invited talk to the Psychology Department, Syracuse University, Syracuse, NY.

Lovett, B. J. (2007, March). "Testing Accommodations for Students with Disabilities: Asking the Hard Questions." Presentation to the Jamesville-DeWitt School District, Jamesville, NY.

Lovett, B. J. (2005, November). "Putting Statistics into Introductory Psychology: Activities that Work." Presentation to Syracuse University's Project Advance, New York, NY.

Lovett, B. J. (2005, October). "Direct Observation: The Royal Road to Child Psychiatric Diagnosis?" Presentation at Child Psychiatry Grand Rounds, Department of Psychiatry, SUNY Upstate Medical University, Syracuse, NY.

Refereed Conference Presentations (selected):

Fitzgerald, K., Nazmiyal, A., & **Lovett, B. J.** (2022, March). Construct validity of subjective and

objective symptoms of ADHD in college students. Poster presented at the annual convention of the Eastern Psychological Association.

Simon, R. F., **Lovett, B. J.**, & Trapp, S. (2022, March). Teaching of the history and systems of psychology in APA-accredited doctoral programs. Poster presented at the annual convention of the Eastern Psychological Association.

Lovett, B. J., Spenceley, L. M., Schaberg, T. M., & Best, H. (2022, February). How school psychologists assess effort during psychoeducational evaluations. Poster presented at the annual convention of the National Association of School Psychologists.

Sczcesniak, L. A., & **Lovett, B. J.** (2022, February). What processing speed scores can tell us. Poster presented at the annual convention of the National Association of School Psychologists.

Lovett, B. J. (2021, April). Anxiety and testing: Handling accommodation requests and supporting all test-takers. Presentation at the Innovations in Testing conference.

Wang, X., Sczcesniak, L., **Lovett, B. J.**, & Ferrier, D. E. (2021, March). The stability of the Adult ADHD Self-Report Scale (ASRS). Poster presented at the annual convention of the Eastern Psychological Association.

Spenceley, L. M., Wood, W. L. M., **Lovett, B. J.**, Maether, N., & Kramer, R. J. (2020, February). Using the WJ IV COG to Assess Performance Validity. Poster presented at the National Association of School Psychologists conference, Baltimore, MD.

Wood, W. L. M., Lewandowski, L. J., & **Lovett, B. J.** (2019, October). Investigating the clinical utility of Sluggish Cognitive Tempo. Poster presented at the New York Association of School Psychologists conference, Syracuse, NY.

Carter, L., & **Lovett, B. J.** (2019, March). Separate room testing accommodations for students with and without ADHD. Poster presented at the Eastern Psychological Association convention, New York, NY.

Johnson, T. L., **Lovett, B. J.**, & White, E. (2018, November). SLP hearing screening: Variability in accuracy and consistency. Poster presented at the convention of the American Speech-Language-Hearing Association, Boston, MA.

Nelson, J. M., & **Lovett, B. J.** (2018, August). Data discrepancies and poor symptom validity in ADHD evaluations of college students. Presented at the annual meeting of the American Psychological Association, San Francisco, CA.

Lovett, B. J., Carter, L., & Porto, A. (2018, March). Predictors of timed test performance in students with disabilities. Poster presented at the Eastern Psychological Association convention, Philadelphia, PA.

- Wood, W. L. M., Spenceley, L. A., Scott, M., Marshall, E., & **Lovett, B. J.** (2018, February). Assessment of effort: WJ IV COG clusters as embedded validity indicators. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Johnson, T., **Lovett, B. J.**, & Dillmuth-Miller, S. (2016, November). Attitudes towards noise exposure: CSD vs. non-CSD students. Poster presented at the convention of the American Speech-Language-Hearing Association, Philadelphia, PA.
- Lovett, B. J.**, & Nelson, J. M. (2016, June). Test anxiety: Assessment, Documentation, and Management. Paper presented at the University of Connecticut Center for Postsecondary Education and Disability Postsecondary Training Institute, Philadelphia, PA.
- Wood, W., Lewandowski, L. J., & **Lovett, B. J.** (2016, February). Contrasting the impairment profiles of sluggish cognitive tempo and ADHD. Poster presented at the convention of the National Association of School Psychologists, New Orleans, LA.
- Lovett, B. J.**, Drymond, M., & Vita, L. (2015, March). Determinants of college students' time needed to complete a test. Poster presented at the convention of the Eastern Psychological Association, Philadelphia, PA.
- Potts, H. E., Lewandowski, L. J., & **Lovett, B. J.** (2015, February). Can we predict time needed on a reading comprehension test? Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Potts, H. E., Wood, W. L., Lewandowski, L. J., & **Lovett, B. J.** (2015, February). Does sluggish mean slower test performance? A pilot study. Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Spielberger, S., Lewandowski, L. J., **Lovett, B. J.**, & Potts, H. E. (2015, February). Effects of expressive writing on test anxiety and classroom tests. Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Wood, W. L., Lewandowski, L. J., & **Lovett, B. J.** (2014, February). Impairment and executive functioning associated with sluggish cognitive tempo. Poster presented at the convention of the National Association of School Psychologists, Washington, DC.
- Sparks, R. S., & **Lovett, B. J.** (2013, November). Examining documentation and applying objective diagnostic criteria to college students in a learning disability support program. Paper presented at the Convention of the International Dyslexia Association, New Orleans, LA.
- Leja, A. M., & **Lovett, B. J.** (2013, February). Extended time testing accommodations: Do ADHD symptoms matter? Poster presented at the convention of the National Association of School Psychologists, Seattle, WA.

- Johnson, T. L., **Lovett, B. J.**, Widen, S., & Amsterdam, R. (2012, March). Attitudes towards hearing protection among U.S. college students. Poster presented at the convention of the Pennsylvania Speech-Language-Hearing Association, Lancaster, PA.
- Lewandowski, L., **Lovett, B. J.**, Panahon, C. J., Lambert, T., & Systma, M. R. (2012, February). Test accommodation preferences in college students. Poster presented at the convention of the National Association of School Psychologists, Philadelphia, PA.
- Lovett, B. J.**, Fredericks, D., Leja, A., & Sparks, R. S. (2012, February). Gifted students with learning disabilities: A quantitative synthesis. Poster presented at the convention of the National Association of School Psychologists, Philadelphia, PA.
- Sparks, R. S., & **Lovett, B. J.** (2011, November). The identification and performance of gifted students with learning disabilities: A quantitative synthesis. Poster presented at the convention of the International Dyslexia Association, Chicago, IL.
- Johnson, T. L., **Lovett, B. J.**, Kingman, R., & Cronin, C. (2010, November). The measurement of auditory processing: Does presentation level affect performance? Poster presented at the convention of the American Speech-Language-Hearing Association, Philadelphia, PA.
- Lovett, B. J.**, & Johnson, T. L. (2010, March). Auditory processing disorder: A role for the school psychologist. Paper presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Cohen, J. A., Lewandowski, L. J., & **Lovett, B. J.** (2010, March). Differences between extended time allotments for learning disabled college students. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Hendricks, K., Lewandowski, L. J., & **Lovett, B. J.** (2010, March). The use of Testtracker for students with ADHD. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Lovett, B. J.**, & Hood, S. B. (2009, November). Realism and operationism in psychiatric diagnosis. Paper presented at the convention of the Florida Philosophical Association, Gainesville, FL.
- Lovett, B. J.**, Ells, L., & Lewandowski, L. J. (2008, November). Why do you think you need extra time? Poster presented at the convention of the New York Association of School Psychologists, Rochester, NY.
- Berger, C., Lewandowski, L. J., **Lovett, B. J.**, Gathje, R. A., & Cohen, J. A. (2008, February). Writing on a computer: No longer a testing accommodation. Poster presented at the convention of the National Association of School Psychologists, New Orleans, LA.
- Lovett, B. J.**, Lewandowski, L. J., Kleinmann, A. E., & Rogers, C. R. (2007, March). Testing

accommodations for students with disabilities. Symposium presented at the convention of the National Association of School Psychologists, New York, NY.

Berger, C., Gathje, R. A., Lewandowski, L. J., **Lovett, B. J.** (2007, March). Extended time and laptop format as accommodations for written language tests. Poster presented at the convention of the National Association of School Psychologists, New York, NY.

DiGennaro, F. D., & **Lovett, B. J.** (2006, May). Is punishment effective? Is it ethical? Views of ABA members. Poster presented at the convention of the Association for Behavior Analysis, Atlanta, GA.

Eckert, T. L., **Lovett, B. J.**, & Jiao, J. (2006, March). Does performance feedback serve as reinforcement? Poster presented at the convention of the National Association of School Psychologists, Anaheim, CA.

Lewandowski, L. J., Sheffield, R., & **Lovett, B. J.** (2006, March). “Symptomatic” versus “impaired”: Which is more important in ADHD diagnosis? Paper presented at the convention of the National Association of School Psychologists, Anaheim, CA.

Lewandowski, L. J., Parolin, R., **Lovett, B. J.**, & Gordon, M. (2006, March). Effects of extended time on math performance for students with ADHD. Poster presented at the convention of the National Association of School Psychologists, Anaheim, CA.

Lovett, B. J., & Lewandowski, L. J. (2005, March). The gifted/learning disabled child: A critique of current assessment practices. Poster presented at the convention of the National Association of School Psychologists, Atlanta, GA.

Lovett, B. J., & Stawski, R. S. (2004, November). Ergodicity in psychoeducational assessment. Paper presented at the Gardner Conference on Measurement and Statistics, Auburn, NY.

Lovett, B. J., & DiGennaro, F. D. (2004, May). Punishment and aversive interventions, 1980-2000: Change and continuity. Poster presented at the convention of the Association for Behavior Analysis, Boston, MA.

Courses Taught:

High School Level

Introductory Psychology

Undergraduate Level

Introductory Psychology

Abnormal Psychology

Child Psychopathology

Personality Psychology

Health Psychology

History and Systems of Psychology
Psychological Testing
Research Methods in Psychology
Educational Psychology
Psychology of Children with Exceptionalities
Assessment of Students with Disabilities
Psychology of Learning
Applied Behavior Analysis
Introduction to School Psychology
Psychology of Intelligence and Creativity
Seminar: The Psychology of Moral Judgment
Seminar: Great Experiments in Psychology
Seminar: Controversies in Child Psychopathology
Applying Research Methods in Psychology: ADHD
Supervised Research Experience in Psychology
Interdisciplinary Freshman Core Course: Order & Chaos

Graduate Level

Statistics in Educational Research
Applied Behavior Analysis
History and Systems of Psychology
Professional and Ethical Functions of School Psychologists (Law & Ethics)
Individual Psychological Testing I (Psychometrics and Cognitive Assessment)
Individual Psychological Testing II (Socioemotional Assessment)

Guest Lectures at Teachers College

- HBSK 5010 – Philosophic Foundations of Special Education (Fall 2019, Fall 2020, Fall 2021)
- HBSK 6480 – School Psychologist Internship (Spring 2020)

Masters Thesis Committee Service:

Kaitlin Hendricks (Syracuse University, 2010)
Justin Cohen (Syracuse University, 2010)
Whitney Wood (Syracuse University, 2013)
Stephanie Spielberger (Syracuse University, 2015)
Heather Potts (Syracuse University, 2016)

Masters Creative Project Supervisor:

Yi-Tzu Hao (Teachers College, Columbia University, 2020)

Doctoral Dissertation Committee Service:

Mara Jane Schutz (University of NewCastle, 2008)
Kaitlin Hendricks (Syracuse University, 2013)
Laura Miller (Syracuse University, 2014)
Whitney Wood (Syracuse University, 2015)

Jessica Horton (Teachers College, Columbia University, 2019 – Defense Reader)
Faheema Abdool-Ghani (Teachers College, Columbia University, 2020 – Defense Reader)
Victoria Verdun (Teachers College, Columbia University, 2020 – Defense Reader)
Kayleigh Kangas-Dick (Teachers College, Columbia University, 2019 – from Proposal stage)
Yifei Sun (Teachers College, Columbia University, 2021- Defense Reader)
Andrea Lira (Teachers College, Columbia University, 2021- Defense Reader)
Lauren Baldonado (Teachers College, Columbia University, 2021- Defense Reader)
Eleonora Guzmán Daireaux (Teachers College, Columbia University, 2021- Defense Reader)
Jeanette Parsons (Queen’s University, 2021)
Laura Johanson (Teachers College, Columbia University, 2021- Defense Reader)
Scott Lu (Teachers College, Columbia University, 2021 – from Proposal stage)
Lisa Szczesniak (Teachers College, Columbia University – sponsor – defended August 2022)
Ji Young Kim (Teachers College, Columbia University – Defense Reader)
Katherine Garcia (Teachers College, Columbia University – Defense Reader)

Editorial Review Work:

Current editorial board member of:

Journal of Psychoeducational Assessment (2007 - Present)

Journal of Attention Disorders (2020 – Present)

Disabilities (2020 – Present)

Special reviewer on assessment research for *Journal of School Psychology*

(editorial board member, 2011 – 2014; ad-hoc reviewer, 2014 - Present)

Guest co-editor, special issue of *Psychological Injury and Law* (2019)

Guest co-editor, special issue of *Journal of Clinical and Experimental Neuropsychology* (2021)

Guest co-editor, special issue of *Assessment for Effective Intervention* (2022-2023)

Guest action editor, special issue of *Psychological Injury and Law* (2021-2022)

Ad-hoc reviewer for:

American Educational Research Journal

American Journal on Intellectual and Developmental Disabilities

Applied Neuropsychology: Child

Assessment

Assessment in Education: Principles, Policy & Practice

British Journal of Educational Psychology

Canadian Journal of School Psychology

Clinical Psychology Review

Educational Assessment

European Journal of Psychology of Education
Exceptionality
High Ability Studies
History of Psychology
Intelligence
Journal of Adolescence
Journal of Applied School Psychology
Journal of Attention Disorders
Journal of Behavioral Education
Journal of Business Ethics
Journal of Child and Family Studies
Journal of Clinical and Experimental Neuropsychology
Journal of Intelligence
Journal of Learning Disabilities
Journal of School Psychology
Journal of Social and Clinical Psychology
Neuropsychiatric Disease and Treatment
Neuropsychology
Psychological Injury and Law
Psychological Science
Research in Developmental Disabilities
Research in Social and Administrative Pharmacy
Roeper Review
School Psychology Review
Sociology Compass

Textbook reviewer/consultant for:

McGraw-Hill Higher Education
Sage Publications
John Wiley Publishers
Worth Publishers
Choice (academic library acquisitions service)

Other Service to the Profession:

- Conference proposal reviewer, New York Association of School Psychologists (2006)
- Assessment Consultant, ARC of Chemung County, NY (2007 - 2014)
- Grant Reviewer, Netherlands Organisation for Scientific Research, (2014)
- Grant Reviewer, Michigan State University (2016)
- Grant Reviewer, Nuffield Foundation (UK) (2021)
- New York Association of School Psychologists – Working Group on Postsecondary Transition (member, 2021-2022)

Institutional Service:

At Teachers College, Columbia University (2019 -)

Psychology Faculty Coordinating Committee (2019 -) (Director, 2020 - 2022)
Nutrition Search Committee (2020-2021)
School Psychology Search Committee (2021-2022; Chair)
Doctoral Dissertation Grant Selection Committee (2020-2021)
Research Methods Exam Committee (Fall 2020)
Internal Tenure Reviewer, Counseling and Clinical Psychology Dept. (2020)
Mentoring Committee for Matthew Zajic (2021 -)
Institutional Review Board (Alternate member, 2021 -)
Counseling Psychology Search Committee (2022-2023)
TC Fulbright Program, Faculty Review Committee (2022-2023)
Faculty Executive Committee (HBS Dept. Representative, 2022 -)

At SUNY Cortland (2014-2019)

Chair, Psychology Department Personnel Committee (2018 - 2019)
Chair, Committee on Teaching Effectiveness (2018 - 2019)
FDC Mentor to Haiyan Zhang (2017-2018)
Psychology Club Advisor (2016-2018)
Member, College Writing Committee (2017 - 2018)
Chair, Educational Psychology Faculty Search Committee (2017 - 2018)
Psychology Department Assessment Committee (2016 - 2017)
Sherlach Scholarship Award Committee (2016 - 2019)
Psychology Department Curriculum Committee (2014 - 2016)
Efficiencies Advisory Committee (2016)
FDC Mentor to Dr. Katherine Bonafide (2015-2016)
Psychology Department Writing-Intensive Course Committee (2015 - 2019)
Psychology of Children with Exceptionalities Committee (2014 -)
Chair, Clinical Psychology Faculty Search Committee (2014 - 2015)
Member, Applied Psychology Faculty Search Committee (2014)
Ad Hoc Committee on the 25th Anniversary of the ADA (2014 - 2015)

At Elmira College (2007-2014)

Co-Advisor, Elmira College Chapter of Psi Chi (2009 - 2010)
Co-Chair, Human Research Review Board, Elmira College (2008 - 2014)
Teacher Education Advisory Group, Elmira College (2007 - 2009)
Faculty Development Committee, Elmira College (2008 - 2010; Chair, 2009 - 2010)
Academic Assessment Committee, Elmira College (2008 - 2011)
Advising Committee, Elmira College (2012 - 2014)
Psychology Faculty Search Committee, Internal Member (2008 - 2009)
Nursing Faculty Search Committees, Outside Member (2010, 2012, 2013)
Criminal Justice Search Committee, Outside Member (2012)
Education (Literacy) Search Committee, Outside Member (2012)
Reviewer of Tenure-Track Faculty:
2008-2009 – Dr. Megan Kennedy, 1st year review
2009-2010 – Dr. Christopher Terry, 1st year review
2010-2011 – Dr. Lauren Shaw, 3rd year review
2013-2014 – Dr. Mark Pinter, 3rd year review

Awards, Small Grants, and Honors:

At SUNY Cortland (2014-)

Fine Teaching Development Award, 2017
Faculty Development Center Small Grant, 2014, 2016
Teaching Innovation Grant, 2015
College Assessment Committee Grant, 2015
UUP Individual Development Award Grant, 2016

At Elmira College (2007-2014)

Summer Faculty Development Research Grant, 2009, 2010, 2011, 2012
Honorary Inductee (student-elected), Phi Eta Sigma National Honor Society, 2009
Psi Chi Faculty Advisor Research Grant, 2010
Journal of School Psychology Editorial Appreciation Award, 2013
Joseph Stein Junior Faculty Prize, 2013

At Syracuse University (Ph.D. student, 2002-2007)

University Fellowship Award, 2002-2003 and 2005-2006
Psychology Department Allport Research Grant, 2004, 2005
College of Arts and Sciences Creative Project Award, 2005
Syracuse University Outstanding Teaching Award, 2005

At the Pennsylvania State University (undergraduate student, 1998-2002)

Induction into Psi Chi, National Honor Society for Psychology, 2000
3rd Place Prize, Social Science Division, Undergraduate Research Fair, 2001
Induction into Phi Beta Kappa, 2002

Large Grants Sought:

1. PI, "Remaking Home & Community After COVID-19" – National Science Foundation, \$199,090 total costs (unfunded).
2. Co-PI, "Exploring Time Use and Timing Accommodations During NAEP Testing Among Students with Disabilities" – Institute for Education Sciences, \$349,164 to TC (unfunded)

EXHIBIT 2

Review of Accommodation Request

Applicant Name: Robert Sampson
Date of Birth: [REDACTED]
Date of Review: April 25, 2017
Reviewer: Benjamin J. Lovett, Ph.D.

This review concerns Robert Sampson, who has requested extended time testing accommodations (50% additional time) on Step 1 of the USMLE. He reports diagnoses of ADHD and learning disabilities, as well as a recent history of accommodations in medical school. In a personal statement, Mr. Sampson describes a long history of problems acquiring academic skills and says that he did well until medical school because he worked so hard.

In support of his request, Mr. Sampson has submitted the following documents:

- A record of performance on Shelf exams in medical school
- A record of performance on a group-administered IQ test (the OLSAT) in second grade
- Score reports from the PSAT, SAT, ACT, and MCAT
- The reports from diagnostic evaluations completed in 2013
- Supportive letters from a disability services office administrator, a tutor, a learning specialist, and a treating psychiatrist
- Confirmation of eligibility for accommodations in medical school
- Evidence of being called before a committee in medical school to explain marginal performance there

This review has three purposes: to evaluate the evidence for the reported disability conditions, to determine if the conditions (if present) cause a substantial limitation in any major life activities, and to determine if the requested accommodations are appropriate for Mr. Sampson.

Evidence of ADHD

There is clearly insufficient evidence to support a diagnosis of ADHD. Indeed, Mr. Sampson's diagnosis is one of the most irresponsible that I have ever seen. There is very substantial evidence *against* the presence of ADHD.

In August 2013, Mr. Sampson completed his first diagnostic evaluation, and at that time, based on his concerns, the evaluator did not even assess for ADHD; it appears that there were no concerns related to ADHD, and the evaluator noted that Mr. Sampson "was very focused throughout the testing sessions." In December 2013, Mr. Sampson nonetheless completed a second evaluation with a different evaluator, and this time he "wondered whether" ADHD "might explain attentional difficulties he is having." The evaluator obtained standardized ratings of Mr. Sampson's current and childhood ADHD symptoms from Mr. Sampson himself as well as from various informants (his mother, his father, his girlfriend, and a friend/tutor). With regard to childhood symptoms, only Mr. Sampson endorsed clinically significant levels; neither of his parents did. With regard to current symptoms, *neither Mr. Sampson nor any third-party informants endorsed clinically significant symptom levels*. This is very strong evidence *against* ADHD, and the evaluator did not make that diagnosis. Nonetheless, the evaluator claimed that Mr. Sampson "does appear to be experiencing attention problems," perhaps based on a small

number of below-average scores on highly artificial neuropsychological tasks.

At some point in 2015, Mr. Sampson was reportedly diagnosed with ADHD; indeed, his psychiatrist reports the diagnosis, but there is no record of what evidence was used to make the diagnosis, and as I discussed above, there is very clearly substantial evidence against the diagnosis.

Evidence of Learning Disabilities

The current official diagnostic criteria for learning disabilities require that someone's "academic skills are substantially and quantifiably below those expected for the individual's chronological age."¹ Every time that Mr. Sampson's academic skills have been measured against age peers on diagnostic tests, the skills have been in the average range or above.² Similarly, on real-world academic tests taken by the general population (ACT, PSAT, SAT) and even by medical school applicants (MCAT), his scores have always been in the average range or above, compared to his peers.³ This is very strong evidence *against* the presence of any learning disabilities.

In August 2013, Mr. Sampson received a diagnosis of Learning Disorder Not Otherwise Specified (LD-NOS). However, the evaluator explicitly acknowledged that this was not based on any academic skill weaknesses, but on a discrepancy between Mr. Sampson's "verbal and visual/spatial reasoning abilities," neither of which were found to be below-average either. LD-NOS is an old diagnostic term (outdated even in August 2013) that was used to refer to problems that did *not* meet the full criteria for any well-understood learning disabilities. Even if LD-NOS is a valid diagnostic category generally, learning disabilities clearly concern academic skill weaknesses, and so the LD-NOS term was misapplied.

In December 2013, Mr. Sampson was diagnosed with a learning disability "with impairment in reading (dyslexia), reading fluency, word reading accuracy, spelling," but again there is no evidence that he has ever performed below the average range compared to age peers on measures of any of those skills. The diagnosis was made in the face of clear evidence to the contrary; it was a remarkably unsupported diagnosis.

Evidence of Other Disabilities

Finally, Mr. Sampson was diagnosed in December 2013 with "Unspecified Neurodevelopmental Disorder." There are no detailed diagnostic criteria for such a disorder; the term is used when someone does *not* meet the criteria for any of the known disorders. Therefore, there is no way to determine if the term was applied correctly; instead, we should ask (as I do below) whether Mr. Sampson meets the standard for being disabled, and whether he needs any accommodations.

¹ See page 67 of the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5; American Psychiatric Association, 2013).

² In August 2013, Mr. Sampson's academic skills were measured by the Woodcock-Johnson Tests of Achievement, and all of his scores were in the average range or above, when compared to age peers. In December 2013, he was given the reading comprehension measure from the Scholastic Abilities Test for Adults, and again, his score was in the average range (without any extended time) compared to age peers.

³ Mr. Sampson took the SAT several times, including once very early (at the age of 14) as part of the requirements for entrance into a special non-college program, and so his scores from that administration, which compared him to college-bound high school seniors, cannot be taken as evidence of his own age- or grade-level abilities. His scores on all *other* administrations of the SAT were in the average range or above.

Evidence of Functional Limitations and Accommodations Needs

There is simply no credible evidence that, compared to most people in the general population, Mr. Sampson is substantially limited in any major life activities. He has not always done well on tests in medical school, but obviously, most people are not expected to do well in medical school, and so performance problems there are not strong evidence of a disability. In addition, he has occasionally obtained below average scores on highly artificial neuropsychological tasks, but variability in performance on such measures is typical and expected, and his lowest scores are not buttressed by credible, *real-world* evidence of deficits compared to most people in the general population.

Finally, there is clearly insufficient evidence that Mr. Sampson requires any accommodations at all to access Step 1 of the USMLE. In the past, when he has taken tests that most people in the general population take, he does well without any accommodations. His SAT scores were in the average range or above, without any accommodations. His ACT scores were similarly in the average range or above, without any accommodations. Even his MCAT scores were better than those of most medical school applicants, without accommodations. Admittedly, some of his Shelf exam scores have not been very high, but if the only setting where someone experiences functional impairment is on medical school exams, this would not rise, in my opinion, to the level of a true disability.

Benjamin J. Lovett, Ph.D.

EXHIBIT 3

Review of Accommodation Request

Applicant Name: Robert Sampson (reconsideration)

Date of Birth: [REDACTED]

Date of Review: July 16, 2017

Reviewer: Benjamin J. Lovett, Ph.D.

This review concerns Robert Sampson, who has requested extended time testing accommodations (50% additional time) on Step 1 of the USMLE. He reports diagnoses of ADHD and learning disabilities, as well as a recent history of accommodations in medical school.

I first reviewed Mr. Sampson's request in April 2017. At that time, in support of his request, he had submitted the following documents:

- A record of performance on Shelf exams in medical school
- A record of performance on a group-administered IQ test (the OLSAT) in second grade
- Score reports from the PSAT, SAT, ACT, and MCAT
- The reports from diagnostic evaluations completed in 2013
- Supportive letters from a disability services office administrator, a tutor, a learning specialist, and a treating psychiatrist
- Confirmation of eligibility for accommodations in medical school
- Evidence of being called before a committee in medical school to explain marginal performance there

Based on the documentation described above, I concluded that there was clearly insufficient evidence to support Mr. Sampson's request. Although he had been diagnosed with ADHD, the only current evidence of his core ADHD symptoms (as rated by himself and by others who knew him well) showed that none of the ratings were above clinical thresholds. Although he had been diagnosed with a learning disability affecting reading and spelling skills, diagnostic tests measuring those skills found them to be in the average range or above. Finally, on standardized, high-stakes tests such as the ACT, SAT, and even the MCAT, Mr. Sampson had repeatedly performed in the average range or above without any accommodations. Please see my report, dated April 25, 2017, for more details.

The NBME denied Mr. Sampson's request, and he has now appealed. In addition to reviewing the documents listed above, I have now also reviewed the following documents:

- An appeal letter from Mr. Sampson
- Supportive letters from his parents, and from a disability services office administrator at his university
- Various documents from Mr. Sampson's elementary school years, including report cards and letters, along with a summary of chosen quotations from those documents
- Additional correspondence

Unfortunately, there is still clearly insufficient evidence to support Mr. Sampson's request, and there is a great deal of evidence that argues *against* his request. Below I summarize the new documentation:

- The letter from Mr. Sampson's parents asserts that they overlooked their son's early educational problems due to his good performance in school. The parents also report that their son benefited from extensive tutoring, especially in high school, and the letter lists the names of many tutors. They do not mention what was noted by Mr. Sampson's August 2013 evaluator, that his high school classes "were typically honors or AP level" and that "he earned A's in most classes."
- The letter from the disability services office administrator contains many legal claims but does not provide any unique, relevant information about Mr. Sampson's case. The administrator also makes clear that she determines accommodations needs by comparing Mr. Sampson's diagnostic test scores to each other (even when all scores were average or above) and by comparing Mr. Sampson's skills to what would be needed in medical school. She clearly does *not* use a general population, average person comparison standard.
- The documents from Mr. Sampson's elementary school years do not contain any clear evidence that ever would have met the criteria for ADHD or learning disabilities. Admittedly, not all of the documents are entirely legible, but the summary of quotes from those documents appears to show "sour cherry picking"—that is, the choosing of unrepresentative comments that, in context, would paint a very different picture of Mr. Sampson. Certainly, there is no evidence that Mr. Sampson's behavior or performance in school was substantially below that of most of his peers. Of course, even if there were credible evidence of significant childhood problems (and there is no such evidence), this would not mean that Mr. Sampson is *currently* impaired.

The essential state of the evidence, then, has not changed. The one comprehensive assessment of ADHD symptoms failed to find adequate evidence to support such a diagnosis (since no one, including Mr. Sampson himself, rated him as having current clinical levels of symptoms). The diagnostic evaluations of his academic skills have failed to find any below-average skills compared to his age peers or to most people in the general population. And on high-stakes tests when he is compared to general population peers (e.g., on the SAT and ACT), and even when he was compared to medical school applicants (on the MCAT), his scores have been in the average range or above without accommodations.

One of the skills needed to access Step 1 of the USMLE is reading fluency—that is, the ability to decode and understand text under a time limit. Every time that Mr. Sampson's ability to do this has been compared to age peers or to general population standards, his skills have been in the average range or above:

- His SAT and ACT scores were consistently in the average range or above, except the one time that he took the test several years early (and so was not compared to peers).
- In August 2013, his score on the Woodcock-Johnson Tests of Achievement (WJ-Ach) reading fluency task (where he needed to silently read and demonstrate understanding of sentences as quickly as possible) was better than 80% of his age peers.
- In August 2013, his score on the timed reading comprehension task from the Nelson-Denny Reading Test (NDRT) was in the average range for a general population proxy group (first-year college students). Although the evaluator reports a score at the 16th percentile, this was based on a comparison to graduating college seniors, not a relevant comparison group.

- In December 2013, his score on the standard-timed version of the reading comprehension task from the Scholastic Abilities Test for Adults (SATA) was in the average range for his age peers.

Finally, let me again note that even on the MCAT, when Mr. Sampson was compared to a very high performing group of individuals (i.e., medical school applicants), all of his scores were consistently in the average range or above without any accommodations.

This is not a “gray area” or “borderline” case; there is clearly insufficient evidence to support Mr. Sampson’s request, and instead there is credible, consistent evidence suggesting that he does *not* have relevant substantial limitations compared to most people in the general population.

Benjamin J. Lovett, Ph.D.

EXHIBIT 4

Review of Accommodation Request

Applicant Name: Robert Sampson (second reconsideration)

Date of Birth: [REDACTED]

Date of Review: December 18, 2017

Reviewer: Benjamin J. Lovett, Ph.D.

This review concerns Robert Sampson, who has requested extended time testing accommodations (50% additional time) on Step 1 of the USMLE. He reports diagnoses of ADHD and learning disabilities, as well as a recent history of accommodations in medical school.

I first reviewed Mr. Sampson's request in April 2017. At that time, in support of his request, he had submitted the following documents:

- A record of performance on Shelf exams in medical school
- A record of performance on a group-administered IQ test (the OLSAT) in second grade
- Score reports from the PSAT, SAT, ACT, and MCAT
- The reports from diagnostic evaluations completed in 2013
- Supportive letters from a disability services office administrator, a tutor, a learning specialist, and a treating psychiatrist
- Confirmation of eligibility for accommodations in medical school
- Evidence of being called before a committee in medical school to explain marginal performance there

Based on the documentation described above, I concluded that there was clearly insufficient evidence to support Mr. Sampson's request. Although he had been diagnosed with ADHD, the only current evidence of his core ADHD symptoms (as rated by himself and by others who knew him well) showed that none of the ratings were above clinical thresholds. Although he had been diagnosed with a learning disability affecting reading and spelling skills, diagnostic tests measuring those skills found them to be in the average range or above. Finally, on standardized, high-stakes tests such as the ACT, SAT, and even the MCAT, Mr. Sampson had repeatedly performed in the average range or above without any accommodations. Please see my report, dated April 25, 2017, for more details.

The NBME denied Mr. Sampson's request, and he appealed, submitting the following additional documents:

- An appeal letter from Mr. Sampson
- Supportive letters from his parents, and from a disability services office administrator
- Various documents from Mr. Sampson's elementary school years, including report cards and letters, along with a summary of chosen quotations from those documents
- Additional correspondence

Unfortunately, there was still clearly insufficient evidence to support Mr. Sampson's request. The letter from Mr. Sampson's parents noted that their son received extensive tutoring in school, but given that Mr. Sampson was receiving A grades in honors and advanced placement courses, such tutoring would not be evidence of a disability. Meanwhile, the disability services office

administrator made clear in her letter that she believes that (a) discrepancies between different test scores and (b) low performance relative to other medical students are sufficient evidence of a disability. Finally, the documents from Mr. Sampson's elementary school years did not clearly show evidence of atypical levels of attention/behavior problems or poor academic performance beyond what most students experience at times. The new documentation also failed to address the substantial evidence *against* the request (noted above). Therefore, I had to again conclude that there was insufficient evidence to support the request. Please see my report, dated July 16, 2017, for more details.

The NBME denied Mr. Sampson's appeal, and he has again requested reconsideration. In addition to his own brief letter, he has submitted three new supportive letters from the following individuals:

- Dr. Allison Anderson, a psychologist who evaluated Mr. Sampson in December 2013
- Dr. Thomas Aronson, a psychiatrist who has been treating Mr. Sampson since November 2015
- Dr. Jan Serrantino, an "educational consultant" who had written earlier supportive letters as the disability services office administrator mentioned above

Unfortunately, this new documentation provides no new evidence relevant to Mr. Sampson's case. Moreover, the arguments presented in these letters are based on either irrelevant or inaccurate information. Finally, and most remarkably, none of the letters attempt to address the very considerable evidence that argues against Mr. Sampson's request. Let me respond to the major claims in these letters:

1. Dr. Anderson claims that Mr. Sampson is below average in relevant areas. But as support for this claim, she only cites irrelevant facts:
 - Mr. Sampson scored at the 16th percentile on the Nelson-Denny Reading Test (NDRT) timed reading comprehension task compared to *graduating college seniors*, not compared to age peers or to the general population (indeed, fewer than half of adults in the United States have a college degree). Compared to the general population proxy group of first-year college students, his score was well within the average range.
 - Mr. Sampson scored at the 25th percentile on a timed version of the reading comprehension task from the Scholastic Abilities Test for Adults. This score is in the average range. Dr. Anderson points out that any test score has a range of uncertainty around it (the "standard error of measurement"), but this is irrelevant, since as she notes, that uncertainty extends in both directions from the score, and so if tested on a different day, Mr. Sampson's score might have been somewhat lower than the 25th percentile, but *it might just as likely have been higher*.
 - Mr. Sampson scored below the average range on artificial neuropsychological tests that are not at all like Step 1 of the USMLE, such as a test where he needed to draw a complex figure from memory.

Worse still, Dr. Anderson does not even mention the evidence from real-world tests such as the SAT, ACT, and MCAT that show much better performance than the diagnostic tests that she chooses to discuss.

2. Dr. Anderson repeatedly bases her accommodations recommendations on facts that *do not show below-average functioning*. For instance, she notes that Mr. Sampson improved his performance on time-pressured tests when given more time (as many nondisabled people do). Similarly, she notes that Mr. Sampson's reading scores were lower *compared to some of his other test scores*. Facts like these are irrelevant to a disability determination even if true.
3. Dr. Aronson firmly asserts that Mr. Sampson meets the diagnostic criteria for ADHD, but never states the evidence that he used to make that judgment. The closest that Dr. Aronson comes to doing so is when he says that "ADHD is a clinical diagnosis made over several visits triangulating patient self-reported symptoms and impact with key data points from a multitude of sources." But Dr. Aronson never acknowledges that in December 2013, when Mr. Sampson's self-reported symptoms were combined with reports about his symptoms from a multitude of other sources (his mother, his father, his girlfriend, and his friend/tutor), *none* of these sources (including Mr. Sampson himself) described Mr. Sampson as having ADHD symptoms in the clinical range. Therefore, the only direct evidence of core ADHD symptoms on validated diagnostic measures undermines Dr. Aronson's assertion, *even when using assessment methods that Dr. Aronson appears to endorse*.
4. Dr. Aronson makes other assertions that are directly contradicted by objective evidence. For instance, he refers to Mr. Sampson's information processing speed as "very slow." But when Mr. Sampson's processing speed has been measured directly, it has been at least in the average range, and usually far above that range. For instance, in 2013, his processing speed score on the Wechsler Adult Intelligence Scale was better than 93% of people his age.
5. Dr. Serrantino notes that in one of the denial letters, the NBME cited research showing that students with *and without* disabilities both benefit from extended time accommodations. Rather than attempting to criticize this research, she proceeds to note that the cited research study used the NDRT, and she argues that the NBME has elsewhere criticized the NDRT. The NBME's point about students without disabilities benefiting from extended time stands (apparently without disagreement from Dr. Serrantino), and it is highly relevant to Mr. Sampson's case.
6. Dr. Serrantino appears to argue in favor of "discrepancy" models in the diagnosis of learning disabilities. What counts as a discrepancy model varies from one reference to another, but in general, Dr. Serrantino appears to be arguing that even if all of someone's diagnostic test scores are in the average range or above, discrepancies between those scores can be evidence of a learning disability. Such a claim is admittedly debated within the field, with different scholars coming down on different sides of the issue. However, even if we grant that a learning disability could be diagnosed using these kinds of discrepancies, this would clearly not meet the *legal* definition of disability, which requires substantial limitations compared to most people in the general population (not just compared to the person's other skills). Moreover, the official diagnostic criteria for learning disabilities in the *Diagnostic and Statistical Manual for Mental Disorders*

clearly require that someone's academic skills be at least 1 standard deviation below the mean for the person's age group (among other requirements).

7. Finally, Dr. Serrantino makes a variety of legal claims, as she has in the past, but some of those claims appear to me to be at best misleading or else misapplied to Mr. Sampson's case. For instance, she reports that someone can be substantially limited in reading if they take longer to read. But as I have noted, there is no credible evidence that Mr. Sampson's *timed* reading skills are below the average range compared to the general population. She also reports that evidence of past student success cannot be used when making accommodations decisions. But as she no doubt knows, educational performance in real-world settings is core evidence of a learning disability (or the lack thereof), even mentioned in the *Diagnostic and Statistical Manual of Mental Disorders*. She is right that past success does not automatically mean that someone does not have a disability, but she extends this point beyond all reasonable application.

As I noted in an earlier report, Mr. Sampson's case is not in a "gray area." Not only is there insufficient evidence supporting his disability diagnoses and accommodation needs, but there is a tremendous amount of consistent evidence *against* those diagnoses and needs. He and his advocates have passionately argued in support of his case, but they never even acknowledge the very clear evidence undermining their claims.

Benjamin J. Lovett, Ph.D.

EXHIBIT 5

Review of Accommodation Request

Applicant Name: Robert Sampson (third reconsideration)

Date of Birth: [REDACTED]

Date of Review: July 12, 2018

Reviewer: Benjamin J. Lovett, Ph.D.

This review concerns Robert Sampson, who has requested testing accommodations (50% additional testing time, and possibly other accommodations as well now) on Step 1 of the USMLE. He has diagnoses of neurodevelopmental disorders including ADHD and learning disabilities, as well as a recent history of accommodations in medical school.

I have reviewed Mr. Sampson's request and accompanying documentation three times in the past. Each time, the evidence has clearly failed to support his request. Mr. Sampson's case is rather unusual in my experience, in that he has submitted very clear, consistent evidence that argues *against* his request. He has consistently performed in the average range and above on diagnostic tests of academic skills that compared him to age peers. He has consistently performed in the average range and above on real-world standardized tests of academic skills taken without accommodations. And he and several other people who know him well have described him, on standardized rating scales, as having ADHD symptom levels that are in the normal (rather than the clinical) range. It is hard to think of what would be more consistent evidence against the presence of ADHD and learning disabilities. Please see my prior reports, dated April 25, 2017, July 16, 2017, and December 18, 2017, for more details, along with complete listings of all documents that I have reviewed in the past.

Since my last review of his file, Mr. Sampson has submitted additional documents:

- A new appeal letter
- A letter from an attorney representing him, Ms. Jo Anne Simon
- A letter from a psychiatrist, Dr. Thomas Aronson
- A letter from a learning specialist, Ms. Linda De Motta

The new documents do not contain any new evidence bearing on the questions in this case. The substantial evidence against the request is never addressed adequately (the strongest evidence against the ADHD diagnosis is not addressed at all), and the evidence and arguments made in support of the diagnoses and request continue to be irrelevant or inaccurate. In the present report, my goal is to address several issues where there may be genuine misunderstandings or where clarification can otherwise help.

1. In her letter, Ms. Simon claims that "here the record clearly demonstrates that Mr. Sampson's impairments significantly and, often severely, restrict his ability to read, comprehend, learn, concentrate, process information, write, sleep, work, and take tests." As I discussed above and in my past reports, the "impairments" (learning disabilities and ADHD) are actually not supported by the evidence, but let me put that to one side. Even if I assume for the moment that Mr. Sampson has one or more relevant "impairments," there is clearly insufficient evidence to show that Mr. Sampson is substantially limited in any major life activities (including the ones that Ms. Simon lists) *relative to most people*

in the general population. That final clause might be a key source of the misunderstanding and disagreement here; I have used a general population comparison whereas it is clear that at times, Mr. Sampson's advocates have not. Instead, they have compared him to graduating college seniors, to other medical students, and to his own highest skills.¹

The comparison to medical students and to medical school standards requires more discussion. Both Dr. Aronson and Ms. De Motta note that Mr. Sampson has had trouble performing in medical school. They argue that medical school and the USMLE are more difficult than prior academic tasks that Mr. Sampson has faced. Ms. Simon also makes similar comments comparing the USMLE to the MCAT. But if someone is able to get to medical school without accommodations, and to perform well on standardized measures of academic skills without accommodations for the purposes of admission to college and medical school, it is (at the very least) highly unlikely that they are limited in their ability to access tests, relative to most people in the general population.

2. Ms. Simon notes that someone can be substantially limited in the manner in which they perform a major life activity. She then claims that "[i]n order to accurately read, comprehend written material, and write, Mr. Sampson must work slower and more carefully than most people. He must reread several times and contend with external and internal distractions that most people will never face." Claims like these are why it is so important to inspect Mr. Sampson's performance on timed, standardized tests taken in typical settings without accommodations, and his record of performance shows average and better scores, arguing against Ms. Simon's contentions. Her speculations (and Mr. Sampson's) that he is unusual in his manner of reading and writing are severely undermined by the actual evidence of his performance under constrained conditions.
3. There has also been discussion recently of the Nelson-Denny Reading Test (NDRT). As with most published tests, the NDRT has advantages and disadvantages, and must be interpreted carefully and properly to be useful. In my professional opinion, the NDRT comprehension task can be a valid measure of a student's timed reading comprehension skills, and such skills are a key foundation for being able to access Step 1 of the USMLE under standard time limits. One disadvantage of the NDRT is that it has no age norms, only grade norms. Compared to graduating college seniors, Mr. Sampson's NDRT comprehension score was at the 16th percentile, in what is often referred to as the "low average" range. But graduating college seniors are not representative of the general population; indeed, most United States adults do not have a college degree. Therefore, many evaluators use first-year college students as a proxy group to represent the general population; this is obviously not optimal, but it is the best we can do without age norms. Compared to such a group, Mr. Sampson's timed reading comprehension performance was clearly in the average range. Ms. Simon and Mr. Sampson both cite the 16th percentile score, but given the comparison group, this is not a valid technique.

¹ Dr. Aronson does also seem to claim that Mr. Sampson is limited relative to most people in the general population. But he supports his claim only with irrelevancies (e.g., discrepancies between different cognitive scores), inaccuracies (e.g., his claim that most high school students finish the Nelson-Denny Reading Test within the standard time), or statements so subjective that they cannot be evaluated.

The NDRT also has a kind of supplemental score, the reading *rate* score. Mr. Sampson's rate score was at the 24th percentile, also in the "low average" range, compared to graduating college seniors. If he were compared to the general population proxy group, the score would again be in the average range, but the rate score is highly problematic, such that it should never be used, in my opinion, either in favor or against an accommodations request. The NDRT manual shows the score to have low reliability (reliability below generally accepted standards for psychoeducational tests), and it involves only 1 minute of silent reading with no check on comprehension. Therefore, it is essentially a meaningless score anyway; the fact that, compared to a general population proxy group, Mr. Sampson's score was in the average range does not actually argue against his request, and if his score were far lower, it would not argue in favor of his request; absolutely no valid conclusions follow from this score.

Before leaving the issue of the NDRT, I should note that, even if Mr. Sampson's NDRT comprehension score were low, it is just one piece of evidence, and when we examine his SATA diagnostic reading comprehension score, his Woodcock-Johnson reading fluency score, his scores on the reading comprehension sections of the SAT, ACT, and MCAT, etc., and all of these show average and better skills (even compared to other medical students), the evidence for his good timed reading comprehension is consistent and converges across many sources of information.

4. The recently submitted documents involve discussion of a 2013 study published in the *Journal of Psychoeducational Assessment* examining the effect of time extensions on the scores of college students with and without learning disabilities.² Ms. Simon and Dr. Aronson both criticize the study, although Ms. Simon admits that the study's authors were open about its limitations. I am a co-author of the study and would like to note how I see its relevance here. The study is part of a large body of literature examining the effects of time extensions on the test performance of students with and without disabilities, and that literature, *taken as a whole*, has shown that on time-pressured tests, students without disabilities tend to benefit from the time extensions. I am aware of three systematic reviews of that literature,³ and all three drew that conclusion. Any individual study has expected limitations, but that body of research literature, taken as a whole, is relevant to this case insofar as it shows that benefiting from extended time is not a valid indicator of a disability. So when Mr. Sampson and his advocates report—and even provide evidence suggesting—that he does better on tests with additional time, this is not evidence of a disability, since many nondisabled students will improve their performance when given additional time.

² Lewandowski, L., Cohen, J., & Lovett, B. J. (2013). Effects of extended time allotments on reading comprehension performance of college students with and without learning disabilities. *Journal of Psychoeducational Assessment*, 31(3), 326-336.

³ Cahan, S., Nirel, R., & Alkoby, M. (2016). The Extra-Examination Time Granting Policy: A Reconceptualization. *Journal of Psychoeducational Assessment*, 34(5), 461-472.

Lovett, B. J. (2010). Extended time testing accommodations for students with disabilities: Answers to five fundamental questions. *Review of Educational Research*, 80(4), 611-638.

Sireci, S. G., Scarpatti, S. E., & Li, S. (2005). Test accommodations for students with disabilities: An analysis of the interaction hypothesis. *Review of Educational Research*, 75(4), 457-490.

5. Mr. Sampson's advocates claim that the discrepancy model of diagnosing learning disabilities is valid. As I noted in an earlier report, there are many different ways of using discrepancies, and there is not a single clear referent that the "discrepancy model" corresponds to. There are some scholars who argue that discrepancies between test scores can be a useful source of evidence. However, what is key is that (a) the official criteria for diagnosing learning disabilities, found in the *Diagnostic and Statistical Manual of Mental Disorders*, require substantially below-average academic skills compared to age peers, and (b) the legal disability threshold would require substantial limitations, compared to most people in the general population, in academic skills or other major life activities.
6. Mr. Sampson's advocates have argued that he has below-average visual processing skills, and that this will require accommodations on Step 1 of the USMLE, since a portion of that test's items have visual figures. However, the evidence that has been cited for Mr. Sampson's purported deficits in visual processing comes from highly artificial tasks unlike Step 1 of the USMLE in key ways. For instance, the Rey Complex Figure Test (RCFT) involves copying an unusual figure, then redrawing it from memory, and then needing to recognize (from memory) whether various drawings show parts of that figure. On the Step 1 exam, it is my understanding that any figures will be available for reference as many times as Mr. Sampson wishes to view them, and he will not need to copy, redraw, or memorize elements of a figure for delayed retrieval. Similarly, on the Woodcock-Johnson Picture Recognition test, Mr. Sampson was shown one set of pictures and then asked to identify which pictures of a second set he had already seen. The Step 1 exam will not require such skills.
7. Mr. Sampson and his advocates cite a number of self-reported statements about various subjective/speculative phenomena (e.g., needing to work harder and longer than others) and other purportedly atypical behaviors (e.g., playing a musical instrument without learning to read music). These comments are difficult to evaluate, but in any case they are irrelevant to the request. On core measures of ADHD symptoms and academic skills, Mr. Sampson has consistently obtained evidence against ADHD and any learning disabilities, and his real-world test performance parallels this.

I have no reason to doubt that Mr. Sampson's request is in good faith, and I understand that professionals have told him that he has disability conditions. But their own evidence contradicts these diagnoses. If a physician diagnosed a patient with paralysis of both legs but also reported that the patient was an excellent long distance runner without any accommodations or assistive technologies, I would be skeptical of the diagnosis. Mr. Sampson's case is analogous to this; his evaluators have ignored strong, consistent evidence that they themselves report or are otherwise aware of.

Benjamin J. Lovett, Ph.D.

EXHIBIT 6

